

CPS Investigation Flow Chart | Tribal Affiliation

Court Involvement

Inquire

Document in the Electronic Case Management System

Contact & Review Tribal Processes

Complete & Send MDHHS-5598

Receive Response & Update Records

Engage with Tribe

Contact Tribe RE: Petition

Send Notice of Court Hearing



When a child may be or is at risk of abuse or neglect **and** there is Reason to Know the child is or may be a member/citizen of, or eligible for membership/citizenship in, a federally recognized tribe, Active Efforts must be provided throughout the life of the case until it is verified by the tribe the child is not eligible or a member, or the court determines otherwise.

1

At the earliest point possible, actively seek to determine if the child is an Indian child:

- Inquire with the child, caretaker, family, or Indian custodian if the child has, or may have, tribal membership/citizenship or eligibility
- Review information in the electronic case management system

Helpful Resources:

[NAA 200](#)

2

Document all efforts to determine tribal affiliation in the electronic case management system:

- ICWA record
- Person race
- Social work contacts (SWCs)

Helpful Resources:

[PSM 713-01](#), [NAA 200](#), [NAA 205](#), [NAA 210](#), [NAA 225](#), [ICWA Job Aids](#)



Tribes may have different processes or preferences. Contact the tribe as soon as possible and review the following for federally recognized tribe(s):

- [NAA 200](#)
- The tribe's resources (websites, handouts, etc.)
- Tribal Agreements (TAM)

Helpful Resources:

[Federally Recognized Tribes in Michigan](#), [TAM](#)

3

Within **3 business days** of reason to know, complete the MDHHS-5598 within the electronic case management system & send to the [ICWA Designated Agent/BIA](#) :

- To identified tribe(s)
- If tribe is unknown, send to the Midwest BIA & tribe(s) within child's county of residence

Helpful Resources:

[SRM 131](#), [NAA 200](#), [NAA 205](#), [NAA 225](#), [25 CFR 23.2](#), [DHS-Pub-172](#)

4

Receive response from the tribe(s)/BIA verifying if the child is or is not eligible or a member/citizen:

- Follow up as needed (email, phone, in person)
- Document & upload response in the electronic case management system (SWCs & ICWA record)

Helpful Resources:

[NAA 200](#), [NAA 205](#)



As soon as possible, engage with the tribe:

- Seek input for [Active Efforts](#)
- Share information with the tribe
- Reference Tribal Agreements for sharing information and preferences
- Refer to the [Tribal Redaction Process](#)

Helpful Resources:

[SRM 131](#), [SRM 700](#), [NAA 205](#), [25 CFR 23.2](#), [TAM](#)

5

If a petition will be filed, call the tribe to notify and request contact info for a Qualified Expert Witness (QEW)

- Call as soon as it's known that a petition will be filed
- Contact the QEW
- Continue Active Efforts & document

Helpful Resources:

[NAA 205](#), [NAA 210](#), [NAA Glossary](#), [MDHHS-Pub-1113](#)

6

Send the [DHS-120](#) **10 calendar days** prior to court via **registered mail with return receipt***

- Attach the MDHHS-5598
- Attach the court petition
- Document and upload in the ICWA record in the electronic case management system

Helpful Resources:

[SRM 131](#), [SRM 700](#), [NAA 210](#)